APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,824	07/25/2003	Genady Grabarnik	YOR920030326US1	3765

7590 04/10/2007 Ryan, Mason & Lewis, LLP 90 Forest Avenue Locust Valley, NY 11560	**EXAMINER** SEYE, ABDOU K

ART UNIT	PAPER NUMBER
2194	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 January 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-23* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. The amendment filed on January, 31, 2007 has been received and entered. The

amendment amended Claims 1, 17 and 23; and cancelled claim 2. The currently pending

claims considered below are Claims 1 and 3-23.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b),
> by another filed in the United States before the invention by the applicant for patent or (2) a
> patent granted on an application for patent by another filed in the United States before the
> invention by the applicant for patent, except that an international application filed under the treaty
> defined in section 351(a) shall have the effects for purposes of this subsection of an application
> filed in the United States only if the international application designated the United States and
> was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-9, 13-20 and 23 are rejected under 35 U.S.C. 102(e) as being

anticipated by Chu et al. **(US 6427146).**

Claims 1, 17 and 23: Chu discloses a system and method of constructing one or more

message parsing rules in accordance with a user and a machine, comprising the steps

of:

a.Obtaining message data representing past messages, wherein the past messages

contain management information for at least one of a network, an application, and

system being analyzed (col. 4, lines 6-8 and 30-35; events data from database in fig.

3/22, lines 6-8; col. 6, lines 1-30; rule finalization and parameter values of the system

being analyzed); and

b. Generating one or more message parsing rules by a process based on the obtained

message data, and at least one of one or more existing rule templates and user

selection and classification of at least a portion of a message, wherein the one or more

parsing rules are storable for access by a rule-based parsing system (fig. 3/58; fig. 1,

col. 3, lines 13-65).

Claim 2: Chu further discloses that the past messages are associated with one of a

network, an application and a system being analyzed (col. 4, lines 30-35).

Claim 3: Chu further discloses that the message data is obtained by at least one of: (i)

reading past message data from one or more messages logs; and (ii) one of the

network, the application and the system pointing to message data in existing data

storage (fig. 3/54,22).

Claims 4 and 18: Chu discloses a method as in claim 1 above and further discloses the

rule-based parsing system comprises a message adaptation system (fig. 2/34,24; fig.

3/14).

Claims 5 and 19: Chu discloses a method as in claim 1 above and further discloses the

step of establishing a message structure prior to the generating one or more message

parsing rules (fig. 2, col. 3, lines 30-45).

Claims 6 and 20: <u>Chu</u> further discloses that, the step of establishing a message

structure comprises the steps of:

a. Creating a message skeleton (fig. 1, col. 3, lines 13-24);

b. Matching the one or more rule templates against the message skeleton (fig.1/16);

and

c. Providing potential matches to a user for validation and choice of a proper message

structure (fig. 1, lines 13-24).

Claim 7: <u>Chu</u> further discloses that the message structure is found to be insufficient,

templates are built by an iterative process between the user and the machine based on

user selection of at least a portion of the message (fig. 1, col. 3, lines 49-52; fig. 3/58,

col. 4, lines 1-35).

Claim 9: <u>Chu</u> discloses a method steps as in claim 6 and further dsicloses the message

skeleton comprises information relating to one or more of a message start, a message

end, and a separator between fields (fig. 6, col. 7 lines 13-23); the generated action e-

mail message sent to a commander). The element "e-mail " of Chu's reference meets

the claimed limitation.

Claim 13: Chu discloses a method as in claim 1 above and further discloses the one or more generated parsing rules comprises a regular expression of a portion of a message (fig. 9, col. 7, lines 25-32).

Claim 14: Chu discloses a method as in claim 1 above and further discloses that each of the one or more generated parsing rules comprises a transformation rule of a portion of a message (fig. 9, col. 7, lines 33-40).

Claim 15: Chu further discloses the transformation rule comprises a string constant (fig. 6/74).

Claim 16: Chu further discloses that the transformation rule comprises a permutation of one or more input tokens (fig. 6/74 and 76).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103 (a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 8, 10-11 and 21-22 are rejected under 35 U.S.C. 103 (a) as being

unpatentable over Chu. **(US 6427146)** in view of Kondoh et al **(US 20020078406).**

Claims 8, 10-12 and 21- 22: Chu discloses a method of constructing one or more

message parsing rules in accordance with a user selection of a message data and a

machine (fig. 1-3), but does not explicitly disclose: a classification of positive and

negative example; the machine parsing the message data sequentially until

unparseable message is encountered; the machine displaying the unparseable

message to the user and the user marking the selected portion as one of positive

example and a negative example; and the machine learning based on the example and

creating one or more candidate rules. However, In the same field of endeavor Kondoh

discloses a parsing system of data string that includes predetermine parsing rules and a

syntax recovery unit that contains appropriate reference type of target document as

positive and negative example (paragraph 71); a parser parsing the data string

sequentially until unparseable message is encountered (fig. 2, paragraph 82); a display

of the unparseable message to the user and the user marking the selected portion as

one of positive example and a negative example (fig. 2, paragraph 83); and a machine

learning based on the example and creating one or more candidate rules (fig. 1/23 and

1/30, paragraph 64). Therefore, It would be obvious to one having ordinary skill in the

art at the time the invention was made to modify Chu's invention with Kondoh's

invention in order to include error correction processing unit for unparseable events

data. One would have been motivated to provide an error correction unit within a

parsing system in order to gain optimal output result.

Claim 12: Chu further discloses the step of the machine revising the one or more

candidate rules based on feedback from the user (col. 6, lines 1-5).

Response to Arguments

7.   Applicant's arguments filed January, 31, 2007 have been fully considered but they are not

persuasive.

a. Claim 1: Applicant argues that, "Chu fails to discloses obtaining message data representing

past message, wherein the past messages contain management information for at least one

of a network, an application, and a system being analyzed". Chu teaches in (col. 4, lines 8-9)

events data detected from device such as a palm-top computer; and in (col. 8, lines 31-35)

the monitoring of a set of distributed heterogeneous objects such as PDA, palm computer,

and web documents; and in (col. 5, lines 65-67) he discloses two type of users :rule writers

and users. Information related to events, users and machines information are obviously

included in the generation and parsing of rule messages. Therefore, the above elements of

Chu's reference meet the claimed limitation of the claim.

b. Applicant argues that " In regard to the rejection of claims 8, 10, 11, and 21-22 under

35 U.S.C. §103(a) as being unpatentable over Chu in view of Kondoh, Applicants

respectfully assert that under 35 U.S.C. §103(c), Kondoh cannot be used to preclude

patentability of the claims. Applicants' claims and Kondoh were, at the time the

Applicants' claims were made, subject to an obligation of assignment, to International

Business Machines Corporation". The applicant filing date is 07/25/2003; and the

publication date of Kondoh's reference is 06/20/2002. Therefore it was plublished more

than 1 year before the applicant filing data and can be used in combination with the

primary reference for 103 rejection.

Conclusion

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until

after the end of the THREE-MONTH shortened statutory period, then the shortened statutory

period will expire on the date the advisory action is mailed, and any extension fee pursuant to

37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,
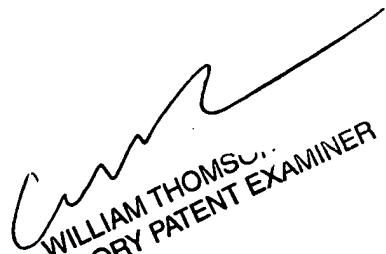
however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdou Seye whose telephone number is (571) 270-1062. The examiner can normally be reached on Mon - Fri, 7:30am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on 571-272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

AKS
March 27,2007

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER